

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSEPH ANDREW HYLKEMA,

Plaintiff,

v.

PALISADES COLLECTION, LLC, *et al.*,

Defendants.

Case No. C07-1679RSL

ORDER DENYING PLAINTIFF'S  
SECOND MOTION TO DISMISS  
COUNTERCLAIM

This matter comes before the Court on plaintiff's second motion to dismiss defendants' counterclaim filed under 15 U.S.C. § 1692k(3) for attorney's fees and costs. Defendants contend that plaintiff has brought this action in bad faith and for the purpose of harassment.

On January 15, 2008, the Court denied plaintiff's first motion to dismiss the counterclaim for two reasons: (1) it granted defendants' motion to amend and bolster their counterclaim, and (2) despite plaintiff's contention, the counterclaim is not premature. Plaintiff now moves again to dismiss the counterclaim because "Defendants have failed to amend their answer to cure its deficiencies." Plaintiff's Motion at p. 1. Plaintiff notes that the Court ordered defendants to file their amended answer, affirmative

1 defenses and counterclaim within ten days of the Court's order. Instead, they filed it on  
2 February 4, 2008, after plaintiff filed this motion.

3 Defendants have now amended their answer and counterclaim to cure the defects  
4 plaintiff alleged. In addition, plaintiff has not shown that he has suffered any prejudice  
5 from defendants' very brief delay. Nor has he shown any other justification to warrant  
6 the harsh sanction of dismissing the counterclaim.

7 Accordingly, plaintiff's second motion to dismiss (Dkt. #17) is DENIED.  
8 Defendants are cautioned, however, that they must comply with all future deadlines in  
9 this case.

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11 DATED this 4th day of March, 2008.

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15 Robert S. Lasnik  
16 United States District Judge  
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